

son receiving possession of the pistol or pistols as aforesaid, it shall be the duty of the district attorney within the county wherein the pistol or pistols were seized to forthwith file a complaint in the circuit court of the proper county, praying that such seized pistol or pistols be declared contraband, be forfeited to the state and be destroyed. Any person, firm or corporation or association of persons in whose possession said pistol or pistols may be seized or who claim to own the same or any interest therein shall be made a party defendant to said complaint, and thereupon such matter shall proceed and be determined in the circuit court of the proper county in the same form and manner, as near as may be, as in the forfeiture and destruction of gaming devices, except as herein otherwise provided. When any judgment of condemnation and forfeiture is made in any case filed under the provisions of this section, the judge making such judgment shall direct therein the destruction of the pistol or pistols by the person receiving possession of said pistol or pistols from the arresting officer in the presence of the clerk or register of the court, unless the judge is of the opinion that the nondestruction thereof is necessary or proper in the ends of justice, in which event and upon recommendation of the district attorney, the judge shall award the pistol or pistols to the sheriff of the county or to the chief of police of the municipality to be used exclusively by the

sheriff or the chief of police in the enforcement of law, and the sheriff of the county and the chiefs of police of the municipalities shall keep a permanent record of all pistols awarded to them as provided for herein, to be accounted for as other public property, and said order, in the event that no appeal is taken within 15 days from the rendition thereof, shall be carried out and executed before the expiration of 20 days from the date of the judgment. The court, at its discretion, shall direct in said judgment that the costs of the proceedings be paid by the person in whose possession said pistol or pistols were found when seized, or by any party or parties who claim to own said pistol or pistols, or any interest therein, and who contested the condemnation and forfeiture thereof.

Title 40. Revenue and Taxation

Chapter 12. Licenses

40-12-143. Pistols, revolvers, bowie and dirk knives, etc. Persons dealing in pistols, revolvers, maxim silencers, bowie knives, dirk knives, brass knuckles or knuckles of like kind, whether principal stock in trade or not shall pay the following license tax: in cities and towns of 35,000 inhabitants and over, \$150; and in all other places, \$100. All persons dealing in pistols, revolvers and maxim silencers shall be re-

quired to keep a permanent record of the sale of every pistol, revolver or maxim silencer, showing the date of sale, serial number or other identification marks, manufacturer's name, caliber and type, and also the name and address of the purchaser, which record shall always be open for inspection by any peace officer of the State of Alabama or any municipality thereof. The failure to keep such record shall subject such person to having his license revoked by the probate judge of the county where such license was issued on motion of any district attorney of the State of Alabama.

40-12-158. Shotguns, rifles, ammunition, etc.

(a) Each person dealing in shotguns, rifles of .22 caliber or over, metallic ammunition or shotgun shells shall pay a license tax of \$25 in cities of 100,000 inhabitants or over; \$10 in cities or towns of 7,000 and less than 100,000 inhabitants; and \$3 in all other places, whether incorporated or not.

(b) Regularly licensed rolling stores selling any or all of the articles enumerated in this section shall, in addition to the license provided in Section 40-12-174, pay a license tax of \$5 to the state and \$5 to the county in each county in which they sell or offer such articles for sale.

[Current through 2001 3rd Special Session, including 2001 Ala. Acts 494 (SB 122)]

ALASKA

ALASKA STAT.

Title 8. Title 8. Business and Professions

Chapter 76. Pawnbrokers and Secondhand Dealers

8.76.010. Transactions to be entered in book kept at place of business. A person engaged in the business of buying and selling secondhand articles, or lending money on secondhand articles, except a bank, shall maintain a book, in permanent form, in which the person shall enter in legible English at the time of each loan, purchase, or sale:

- (1) the date of the transaction;
- (2) the name of the person conducting the transaction;
- (3) the name, age and address of the customer;
- (4) a description of the property bought or received in pledge, which includes for any firearm, watch, camera, or optical equipment bought or received in pledge, the name of the maker, the serial, model, or other number, and all letters and marks inscribed;
- (5) the price paid or amount loaned;
- (6) the signature of the customer.

Title 11. Criminal Law

Chapter 46. Offenses Against Property

11.46.260. Removal of identification marks.

(a) A person commits the crime of removal of identification marks if, with intent to cause interruption to the ownership of another, the person defaces, erases, or otherwise alters or attempts to deface, erase, or otherwise alter any serial number or identification mark placed or inscribed on a propelled vehicle, bicycle, firearm, movable or immovable construction tool or equipment, appliance, merchandise, or other article or its component parts.

(b) Removal of identification marks is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$500 or more;

(2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$50 or more but less than \$500;

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than \$50.

11.46.270. Unlawful possession.

(a) A person commits the crime of unlawful possession if the person possesses a propelled vehicle, bicycle, firearm, movable or immovable construction tool or equipment, appliance, merchandise or other article or its component parts knowing that the serial number or identification mark placed on it by the manufacturer or owner for the purpose of identification has been defaced, erased, or otherwise altered with the intent of causing interruption to the ownership of another.

(b) Unlawful possession is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$500 or more;

(2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$50 or more but less than \$500;

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than \$50.

Chapter 61. Offenses Against Public Order

11.61.190. Misconduct involving weapons in the first degree.

(a) A person commits the crime of misconduct involving weapons in the first degree if the person:

(1) uses or attempts to use a firearm during the commission of an offense under AS 11.71.010 - 11.71.040; or

(2) discharges a firearm from a propelled vehicle while the vehicle is being operated and under circumstances manifesting substantial and unjustifiable risk of physical injury to a person or damage to property.

(b) Misconduct involving weapons in the first degree is a class A felony.

11.61.195. Misconduct involving weapons in the second degree.

(a) A person commits the crime of misconduct involving weapons in the second degree if the person knowingly:

(1) possesses a firearm during the commission of an offense under AS 11.71.010 - 11.71.040;

(2) violates AS 11.61.200 (a)(1) and is within the grounds of or on a parking lot immediately adjacent to

(A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or

(B) a center, other than a private residence, licensed under AS 14.37, AS 47.33 or AS 47.35 or recognized by the federal government for the care of children; or

(3) discharges a firearm at or in the direction of

(A) a building with reckless disregard for a risk of physical injury to a person; or

(B) a dwelling.

(b) Misconduct involving weapons in the second degree is a class B felony.

11.61.200. Misconduct involving weapons in the third degree.

(a) A person commits the crime of misconduct involving weapons in the third degree if the person

(1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;

(2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory;

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

(4) knowingly sells or transfers a firearm to another whose physical or mental condition is substantially impaired as a result of the introduction of an intoxicating liquor or controlled substance into that other person's body;

(5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable;

(6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;

(7) violates AS 11.46.320 and, during the violation, possesses on the person a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person's body;

(8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under AS 18.66.100 - 18.66.180 or issued under former AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(9) communicates in person with another in violation of AS 11.56.740 and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(10) resides in a dwelling knowing that there is a firearm capable of being concealed on one's person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located;

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated in circumstances other than described in AS 11.61.190(a)(2); or

(12) knowingly possesses a firearm that is concealed on the person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory.

(b) It is an affirmative defense to a prosecution

(1) under (a)(1) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS

12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) under (a)(2) or (10) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(f) For purposes of (a)(12) of this section, a firearm on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a firearm without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it. A firearm on a person is not concealed if it is unloaded and is encased in a closed container designed for transporting firearms.

(g) It is an affirmative defense to a prosecution under (a)(12) of this section that

(1) either

(A) the defendant convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the defendant's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(12) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory; and

(2) at the time of possession, the defendant was

(A) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or

(B) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

(h) As used in this section,

(1) **"prohibited weapon"** means any

(A) explosive, incendiary, or noxious gas

(i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;

(ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;

(iii) bomb; or

(iv) grenade;

(B) device designed, made, or adapted to muffle the report of a firearm;

(C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(D) rifle with a barrel length of less than 16 inches, shotgun with a barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than 26 inches;

(2) "unconditional discharge" has the meaning ascribed to it in AS 12.55.185.

(i) Misconduct involving weapons in the third degree is a class C felony.

11.61.210. Misconduct involving weapons in the fourth degree.

(a) A person commits the crime of misconduct involving weapons in the fourth degree if the person

(1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person's body in circumstances other than described in AS 11.61.200(a)(7);

(2) discharges a firearm from, on, or across a highway;

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person under circumstances other than those described in AS 11.61.195(a)(3)(A);

(4) manufactures, possesses, transports, sells, or transfers metal knuckles;

(5) manufactures, sells, or transfers a switchblade or a gravity knife;

(6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

(A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) a defensive weapon;

(C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less

that is connected by road or rail to Anchorage or Fairbanks; or

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) [Repealed]

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor.

11.61.220. Misconduct involving weapons in the fifth degree.

(a) A person commits the crime of misconduct involving weapons in the fifth degree if the person

(1) knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person;

(2) knowingly possesses a loaded firearm on the person in any place where intoxicating liquor is sold for consumption on the premises;

(3) being an unemancipated minor under 16 years of age, possesses a firearm without the consent of a parent or guardian of the minor;

(4) knowingly possesses a firearm

(A) within the grounds of or on a parking lot immediately adjacent to a center, other than a private residence, licensed under AS 14.37, AS 47.33, or AS 47.35 or recognized by the federal government for the care of children; or

(B) within a

(i) courtroom or office of the Alaska Court System; or

(ii) courthouse that is occupied only by the Alaska Court System and other justice-related agencies;

(C) within a domestic violence or sexual assault shelter that receives funding from the state; or

(5) possesses or transports a switchblade or a gravity knife.

(b) In a prosecution under (a)(1) of this section, it is an affirmative defense that the defendant, at the time of possession, was

(1) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling;

(2) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection;

(3) the holder of a valid permit to carry a concealed handgun under AS 18.65.700 - 18.65.790 and the weapon was a concealed handgun as defined in AS 18.65.790; or

(4) considered a permittee under AS 18.65.748 and the weapon was a concealed handgun as defined in AS 18.65.790.

(c) The provisions of (a)(2) and (4) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) In a prosecution under (a)(2) of this section, it is

(1) an affirmative defense that

(A) the defendant, at the time of possession, was the holder of a valid permit to carry a concealed handgun under AS 18.65.700 - 18.65.790 or was considered a permittee under AS 18.65.748;

(B) the loaded firearm was a concealed handgun as defined in AS 18.65.790; and

(C) the possession occurred at a place designated as a restaurant for the purposes of AS 04.16.049 and the defendant did not consume intoxicating liquor at the place;

(2) a defense that the defendant, at the time of possession, was on business premises

(A) owned by or leased by the defendant; or

(B) in the course of the defendant's employment for the owner or lessee of those premises.

(e) For purposes of this section, a deadly weapon on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a weapon without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; a deadly weapon on a person is not concealed if it is an unloaded firearm encased in a closed container designed for transporting firearms.

(f) For purposes of (a)(2) and (e) of this section, a firearm is loaded if the

(1) firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge; and

(2) chamber, magazine, clip, or cylinder is installed in or on the firearm.

(g) Misconduct involving weapons in the fifth degree is a class B misdemeanor.

(h) The provisions of (a)(1) of this section do not apply to a

(1) peace officer of this state or a municipality of this state acting within the scope and authority of the officer's employment;

(2) peace officer employed by another state or a political subdivision of another state who, at the time of the possession, is

(A) certified as a peace officer by the other state; and

(B) acting within the scope and authority of the officer's employment; or

(3) police officer of this state or a police officer or chief administrative officer of a municipality of this state; in this paragraph, "police officer" and "chief administrative officer" have the meanings given in AS 18.65.290.

(i) In a prosecution

(1) under (a)(4)(B) of this section, it is a defense that the defendant, at the time of possession, was authorized to possess the firearm under a rule of court;

(2) under (a)(4)(C) of this section, it is a defense that the defendant, at the time of possession, was authorized in writing by the administrator of the shelter to possess the firearm.

11.61.240. Criminal Possession of Explosives.

(a) A person commits the crime of criminal possession of explosives if the person possesses or manufactures an explosive substance or device and intends to use that substance or device to commit a crime.

(b) Criminal possession of explosives is a

(1) class A felony if the crime intended is murder in any degree or kidnapping;

(2) class B felony if the crime intended is a class A felony;

(3) class C felony if the crime intended is a class B felony;

(4) class A misdemeanor if the crime intended is a class C felony;

(5) class B misdemeanor if the crime intended is a class A or class B misdemeanor.

11.61.250. Unlawful furnishing of explosives.

(a) A person commits the crime of unlawful furnishing of explosives if the person furnishes an explosive substance or device to another knowing that the other intends to use the substance or device to commit a crime.

(b) Unlawful furnishing of explosives is a class C felony.

Chapter 81. General Provisions

11.81.900. Definitions.

(a) For purposes of this title, unless the context requires otherwise, ...

(16) "**deadly weapon**" means any firearm, or anything designed for and capable of causing death or serious physical injury; including a knife, an axe, a club, metal knuckles, or an explosive; ...

(19) "**defensive weapon**" means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury; ...

(25) "**firearm**" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury; ...

(47) "**possess**" means having physical possession or the exercise of dominion or control over property; ...

Title 18. Health, Safety, and Housing

Chapter 65. Police Protection

18.65.700. Permit to carry a concealed handgun.

(a) The department shall issue a permit to carry a concealed handgun to a person who

(1) applies in person at an office of the Alaska State Troopers;

(2) qualifies under AS 18.65.705;

(3) submits a completed application on a form provided by the department, that provides the information required under AS 18.65.705 and 18.65.710; with each application form provided by the department, the department shall provide a copy of the state laws and regulations relating to concealed handguns, which must include a concise summary of where, when, and by whom a handgun can be carried under state and federal law;

(4) submits two complete sets of fingerprints on Federal Bureau of Investigation approved fingerprint cards that are of sufficient quality so that the fingerprints may be processed; the fingerprints must be taken by a person, group, or agency approved by the department; the department shall maintain a list of persons, groups, or agencies approved to take fingerprints and shall provide the list to the public upon request;

(5) submits evidence of successful completion of a handgun course as provided in AS 18.65.715;

(6) provides one frontal view color photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;

(7) shows a valid Alaska driver's license or identification card at the time of application;

(8) does not suffer a physical infirmity that prevents the safe handling of a handgun; and

(9) pays the application fee required by AS 18.65.720.

(b) The department shall either approve or reject an application for a permit to carry a concealed handgun under (a) of this section within

30 days of receipt of the application. If the department has not received necessary fingerprint eligibility information from another agency by the end of this 30-day period, and the applicant is otherwise eligible, the department shall issue a conditional permit to the applicant subject to immediate revocation under the procedure provided in AS 18.65.740(a) - (c) if the fingerprint information subsequently discloses that the applicant is ineligible for a permit. The department shall notify the applicant in writing of the reason for a rejection.

(c) A person whose application is rejected under this section may appeal the rejection decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS 44.62.560 - 44.62.570.

(d) A permit issued under (a) of this section is valid for five years from the date of issue.

(e) The department shall issue a permit to carry a concealed handgun to an honorably retired peace officer of this state who applies for a concealed handgun permit within one year of the officer's retirement and who satisfies the requirements of this subsection. To qualify for a permit under this subsection, an honorably retired peace officer must satisfy (a)(1) - (3) and (6) - (9) of this section and, unless the honorably retired peace officer has qualified with a handgun within five years of the officer's retirement, must also satisfy (a)(5) of this section. The department may not require an honorably retired peace officer applying under this subsection to comply with (a)(4) of this section to receive a permit. The department shall issue the permit without submitting information to or receiving permit eligibility information from the Federal Bureau of Investigation. The department may adopt regulations to define an "honorably retired peace officer" and the evidence that must be submitted to establish eligibility under this subsection.

18.65.748. Permit holders from other jurisdictions considered Alaska permit holders. A person holding a valid permit to carry a concealed handgun from another state or a political subdivision of another state

(1) with permit requirements similar to those in AS 18.65.700 - 18.65.790 is a permittee under AS 18.65.700(b) for purposes of AS 18.65.750 - 18.65.765 if the person has not been in Alaska for more than 120 consecutive days; in this paragraph, "permit requirements similar to those in AS 18.65.700 - 18.65.790" means that, in order to receive and hold the permit in the other state or political subdivision, the person must

(A) be at least 21 years of age;

(B) be eligible to own or possess a handgun under state or federal law;

(C) successfully complete some type of handgun or firearms safety course; and

(D) be subject to a fingerprint-based criminal records search;

(2) is a permittee under AS 18.65.700(b) for purposes of AS 18.65.750 - 18.65.765 if the person has not been in Alaska for more than 120 consecutive days and the other state or political subdivision allows a permittee under AS 18.65.700 - 18.65.790 to carry a concealed handgun in the other state or political subdivision; the department shall determine which states or political subdivisions grant reciprocity to permittees under AS 18.65.700 - 18.65.790 and shall distribute a list of those jurisdictions to each law enforcement agency in this state.

18.65.778. Municipal preemption. A municipality may not restrict the carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790.

18.65.790. Definitions. In AS 18.65.700 - 18.65.790, ...

(3) **"concealed handgun"** means a firearm, that is a pistol or a revolver, and that is covered or enclosed in any manner so that an observer cannot determine that it is a handgun without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; however, "concealed handgun" does not include a shotgun, rifle, or a prohibited weapon as defined under AS 11.61.200;

Title 29. Municipal Government

Chapter 35. Municipal Powers and Duties

29.35.145. Regulation of Firearms.

(a) A municipality may not, except by ordinance ratified by the voters, restrict the right to own or possess firearms within a residence or transport unloaded firearms.

(b) This section applies to home rule and general law municipalities.

[Current through 2001 Regular & Special Session]

Anchorage Municipal Code

Title 8. Penal Code

Chapter 8.25. Weapon Crimes

8.25.020. Concealed weapons.

A. It is unlawful for any person other than a peace officer to knowingly carry concealed about his or her person in any manner:

1. A revolver, pistol or other firearm; ...

4. Any other instrument or thing which, because of the manner in which it is concealed and the accompanying circumstances, could reasonably be construed as being kept as a weapon or in order to achieve some violent purpose, and by which injury could be inflicted upon the person of another.

B. Nothing in this section shall be construed to prohibit the following:

1. Carrying a weapon concealed in a vehicle so long as the weapon is not also concealed on the person of an occupant of the vehicle; or

2. Carrying a concealed handgun in accordance with AS 18.65.700 through 18.65.790 by a person issued and carrying a valid permit under such state statutes.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment. In addition, the weapon shall be forfeited to the Municipality of Anchorage.

8.25.060. Firearms on school grounds.

A. It is unlawful for any person to knowingly have in his possession or control within the grounds of or on a parking lot immediately adjacent to a public or private preschool, elementary, junior high or high school:

1. A revolver, pistol or other firearm; ...

B. Subsection A. of this section shall not apply to peace officers or persons who have express authorization of the school district superintendent or his designee or, in the case of a private or religious school, express authorization of the chief administrative officer of that school.

C. In the case of a conviction under subsection A. of this section the weapon shall be disposed of as provided in section 8.05.020.F.

D. Weapons possessed by persons under 18 years of age (minors) in violation of subsection A. of this section shall be seized and may be forfeited to the municipality in accordance with this section. ...

E. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

8.25.070. Provision of firearm to violent minor by parent or guardian.

A. A parent or guardian may not intentionally or knowingly provide a firearm to, or permit the possession of a firearm by, any minor who has been convicted of a crime of violence in this or any other jurisdiction or any minor who has been adjudicated in a children's proceeding for an offense which would constitute a crime of violence if the minor were an adult. The term "minor" as used in this section means a person under the age of 18.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

8.25.080. Duty of parent or guardian who knows that a minor is in possession of a dangerous weapon.

A. It is unlawful for any parent or guardian of a minor who knows that the minor is in possession of a dangerous weapon or a firearm in violation of this Code to fail to make reasonable efforts to remove the weapon or firearm from the minor's possession.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

8.25.090. Sale or furnishing of firearms to minors.

A. A person may not knowingly give, barter, sell, lease or otherwise make available any firearm to a minor under 18 years of age unless the minor is accompanied by a parent or guardian.

B. A person, including a parent or guardian, may not knowingly provide a handgun to a minor when the minor is prohibited from possessing a handgun.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

[Anchorage Municipal Code current through July 31, 2001]

Code of Ordinances, City of Fairbanks

Chapter 6. Offenses

Article VI. Weapons Offenses

46-291. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous weapon means a firearm, an air-gun or BB gun, a knife other than an ordinary pocketknife having a blade not more than 3½ inches in length, a dagger, slingshot, crossbow, metal knuckles, blackjack, billy or any other instrument by the use of which physical injury may readily be inflicted upon any person, but does not include any instrument or tool which is not commonly used as or considered to be a weapon and which in the circumstances under which

it is possessed or used is clearly not intended to be used, or to be available for use, as a weapon.

Firearm means a weapon, including a pistol, revolver, rifle, shotgun or airgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot or projectile capable of causing death or physical injury.

46-292. Failing to maintain a firearm transaction record.

(a) Except as provided in subsection (b) of this section, a pawnbroker, secondhand dealer or other person who, in the course of his business, buys, sells, rents, exchanges or otherwise receives or transfers firearms commits the offense of failing to maintain a firearm transaction record if he fails to record and make available to the city police, in a book permanently kept for the purpose, the following information concerning every receipt or transfer of a firearm in the course of his business:

(1) The name, address, date and place of birth, height, weight and race of the person to whom the firearm was transferred or from whom it was received.

(2) The number and state or other issuing agency of the driver's license or other identification card issued by the federal or any state government, or by any subdivision or agency of either government, bearing a picture of the issuee, which is used to confirm the identity of the person to whom the firearm was transferred or from whom it was received.

(3) The manufacturer, type, model, caliber or gauge, and serial number of the firearm received or transferred.

(4) The name of the employee or other person in the business of receiving or transferring firearms who transferred or received the firearm.

(b) A person does not commit the offense defined by subsection (a) of this section if:

(1) The firearm was received for the sole purpose of repair or customizing and such firearm is returned to the person from whom it was received;

(2) The person to whom he transferred or from whom he received the firearm is an importer, manufacturer, dealer or collector licensed under the provisions of 18 USC 921 - 928; or

(3) He maintains and makes available to the city police with respect to a particular transaction a permanent set of copies of the records of receipt, sale or other disposition of firearms as required by 18 USC 921 - 928.

46-294. Possession of a dangerous weapon on school grounds.

(a) A person other than a peace officer commits the offense of possession of a dangerous weapon on school grounds if he knowingly possesses a dangerous weapon inside a school or on school grounds.

(b) A dangerous weapon is possessed within the meaning of this section if a person has physical possession of the weapon or the exercise of dominion or control over the weapon.

(c) This section does not prohibit a person from transporting and possessing an unconcealed dangerous weapon upon school grounds with the consent of the school principal or the principal's designee.

(d) **"School"** as used in this section means either a public school operated by the Fairbanks North Star Borough School District or a private school.

[Fairbanks General Code current through Ord. No. 5451, effective Sept. 24, 2001]

Code of the City and Borough of Juneau

Title 42. Penal Code
Chapter 42.20. Offenses Against Public Order

42.20.040. Careless Use of Firearms.

(a) It is unlawful for a person to intentionally, and without malice, point or aim a firearm at or toward a person, or to discharge a firearm so pointed or aimed at a person, or to point and discharge a firearm at or toward a person or object without knowing the identity of the object and maim or injure a human being.

(b) This section does not apply to a case where firearms are used in self-defense or in the discharge of official duty, or in the case of a justifiable homicide.

(c) Careless use of firearms is a Class A misdemeanor.

42.20.060. Carrying Deadly Weapons.

(a) It is unlawful for any person to carry any firearm, or any deadly weapon of any kind, in a concealed manner.

(b) Carrying deadly weapons is a Class B misdemeanor.

42.20.080. Destructive Devices.

(a) Definitions.

(1) **"Destructive device,"** as used in this chapter includes any of the following weapons except such devices as are designed primarily for emergency or distress signaling purposes:

(A) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns,

(B) Any bomb, grenade, explosive missile, or similar device or any launching device therefor, whether commercially manufactured or not,

(C) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor other than a shotgun or shotgun ammunition,

(D) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than sixty hundredths of an inch, or any launching device therefor, and any rocket, rocket-propelled projectile or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device,

(E) Any breakable container which contains a flammable liquid with a flashpoint of one hundred fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(2) **"Explosive,"** as used in this chapter, means any material defined as an explosive in the Fire Prevention Code adopted under Title 30 of this code.

(b) **Sale, Purchase or Possession of Destructive Devices - Exceptions.** Nothing in this chapter shall prohibit the sale to, purchase by, possession of, or use of destructive devices by:

(1) Any peace officer of any recognized governmental agency, while on duty and acting within the scope and course of his employment;

(2) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his service, nor shall anything in this chapter prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer,

employee or member of a fire department or fire protection or firefighting agency of the federal government, the state of Alaska, or a municipal corporation of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

(c) **Carrying or Placing Destructive Device.** It is unlawful for any person knowingly to:

(1) Carry any explosive or destructive device on any vessel, aircraft, car, or other vehicle that transports passengers for hire;

(2) Place or carry any explosive or destructive device, while on board any such vessel, aircraft, car or other vehicle, in any hand baggage, roll, or other container;

(3) Place any explosive or destructive device in any baggage which is later checked with any common carrier.

(d) Possession of Destructive Device.

(1) It is unlawful for any person, firm, or corporation purposely, knowingly, recklessly or negligently to possess within the city and borough any destructive device except as provided by this chapter.

(2) Negligent possession shall be possession where the actor is unaware of such possession, but where the ordinary man in the actor's position would have known of such possession or would have been on inquiry to discover such possession. ...

(g) **Exceptions.** Nothing in subsections (a) through (e) shall be construed to prohibit the legitimate possession or use of explosives by a person licensed by the state of Alaska to handle explosives where such possession and use is in compliance with Title 30 of this code and the proper permits have been obtained, or where explosives are being lawfully transported in inter or intra-state commerce; nor shall a construction be given which would prohibit the possession of hand loading materials of the type and quantity excepted by Title 30 of this code where such materials are lawfully possessed and used for hand loading purposes.

(h) **Penalties.** Violation of subsection (e) of this section is a Class A misdemeanor. Violation of any other subsection of this section is a Class B misdemeanor.

42.20.085. Weapons on School Grounds.

(a) It is unlawful for any person except an authorized person to:

(1) possess a deadly weapon, or a defensive weapon while in or upon school grounds, or

(2) place a deadly weapon or a defensive weapon in any locker, desk, or other place in or upon school grounds.

(b) As used in this section,

(1) **"authorized person"** means:

(A) a peace officer;

(B) a police reserve officer;

(C) a member of the National Guard or the armed forces of the United States in the line of duty;

(D) a person proceeding to, engaging in, or returning from target practice or other authorized activity at a place and time sanctioned by the Superintendent of Schools.

(2) **"deadly weapon"** means any firearm, or anything designed for and capable of causing death or serious physical injury, including metal knuckles, sharp-edged or pointed throwing devices, or any knife equipped with a blade over three inches in length.

(3) **"defensive weapon"** means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury. ...

(5) **"school grounds"** means any city and borough school building, school administration building or associated playground, parking lot, or any athletic field, while such athletic field is being used for an activity sponsored and supervised by the city and borough school district.

(c) Violation of this section is a Class B misdemeanor.

[Juneau Penal Code current as of Feb. 23, 2001]

AMERICAN SAMOA

AM. SAMOA CODE ANN.

Title 46. Criminal Justice

Chapter 42. Weapons

46.4201. Definitions. ...

(b) **"Deface"** means to alter or destroy the manufacturer's or importer's serial number or any distinguishing number or identification mark.

(c) **"Explosive weapon"** means any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

(d) **"Firearm"** means any weapon that is designed or adapted to expel a projectile by the action of an explosive.

(e) **"Firearm silencer"** means any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

(f) **"Gas gun"** means any gas ejective device, weapon, cartridge, container or contrivance other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects mace or other repellant or temporary incapacitating substance.

(g) **"Intoxicated"** means substantially impaired mental or physical capacity resulting from introduction of any substance into the body. ...

(j) **"Machine gun"** means any firearm that is capable of firing more than 2 shots automatically, without manual reloading, by a single function of the trigger.

(k) **"Projectile weapon"** means any bow, crossbow, pellet gun, slingshot, or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

(l) **"Rifle"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

(m) **"Short barrel"** means any barrel length of less than 16" for a rifle and 18" for a shotgun, or an overall rifle and shotgun length of less than 26".

(n) **"Shotgun"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shots or single projectile through a smoothbore barrel by a single function of the trigger.

46.4202. Prohibited weapons.

(a) A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapon;
- (2) a machine gun;
- (3) a gas gun;
- (4) a short-barreled rifle or shotgun;
- (5) a silencer; ...

(8) any other arms, as defined in section 46.4220, for which a valid license from the commissioner of public safety has not been obtained.

(b) A person does not commit a crime under this section if his conduct:

(1) was incident to the performance of official duty by the armed forces, a governmental law enforcement agency, or a penal institution;

(2) was incident to engaging in a lawful commercial or business transaction with an organization listed in paragraph (b)(1); or

(3) was incident to using an explosive weapon reasonably related to a lawful industrial or commercial enterprise;

(4) was incident to displaying the weapon in a public museum or exhibition; or

(5) was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in paragraph (a)(1), (3), (4), or (5), it must be in a nonfunctioning condition that it cannot readily be made operable. No machine gun may be possessed, manufactured, transported, repaired, or sold as a curio, ornament, or keepsake even if it is inoperable and cannot be made readily operable.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b).

(1) A crime under paragraph (a)(1), (2), (3), (4), or (5) is a class C felony; a crime under paragraph (a)(6), (7), or (8) is a class A misdemeanor.

46.4203. Unlawful use of weapons.

(a) A person commits the crime of unlawful use of weapons if he knowingly:

(1) carries concealed on or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; ...

(5) possesses or discharges a firearm or projectile weapon while intoxicated; ...

(b) Exemptions.

(1) Paragraphs (a)(1), (3), (4), (6), (7) and (8) do not apply to or affect any of the following:

(A) peace officers, or any person summoned by these officers to assist in making arrests or preserving the peace while actually engaged in assisting the officer;

(B) wardens, superintendents and keepers of prisons, jails and other institutions for the detention of persons accused or convicted of crime;

(C) members of the armed forces while performing their official duty.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b).

(d) Unlawful use of weapons is a class D felony unless committed under paragraph (a)(5), (6), (7), or (8), then it is a class B misdemeanor.

46.4204. Defacing firearm.

(a) A person commits the crime of defacing a firearm if he knowingly defaces any firearm.

(b) Defacing firearm is a class A misdemeanor.

46.4205. Possession of a defaced firearm.

(a) A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which does not have the manufacturer's or importer's serial number engraved or cast on the receiver or frame of the firearm.

(b) Possession of a defaced firearm is a class B misdemeanor.

46.4206. Unlawful transfer of weapons.

(a) A person commits the crime of unlawful transfer of weapons if he:

(1) knowingly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to any person, who, under the provisions of 46.4207, is not lawfully entitled to possess it.

(2) Knowingly sells, leases, loans, gives away, or delivers a knife, rifle, shotgun or blackjack to a person less than 18 years old without the consent of the child's custodial parent or guardian, or recklessly sells, leases, loans, gives away, or delivers any other firearm to a person less than 18 years old; provided, that this does not prohibit delivery of those weapons to any peace officer or member of the armed forces while performing his official duty; or

(3) recklessly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

(b) Unlawful transfer of weapons under paragraph (a)(1) is a class D felony; unlawful transfer of weapons under paragraphs (a)(2) and (3) is a class A misdemeanor.

46.4207. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the crime of unlawful possession of a firearm or firearm ammunition if he has any firearm or firearm ammunition in his possession, and

(1) he has been convicted of a dangerous felony or confined therefor in this territory or elsewhere during the 5-year period immediately preceding the date of that possession; or

(2) he is a fugitive from justice, a habitual drunkard, a drug addict, or is currently adjudged mentally incompetent.

(b) Unlawful possession of a firearm or firearm ammunition is a class C felony.

46.4220. Definition of "arms". As used in 46.4220 through 46.4234, "arms" includes guns, rifles, pistols, air rifles, air pistols, gas rifles, gas pistols, ammunition, shells cartridges, gunpowder, dynamite, nitroglycerine, blasting powder, fireworks, and all other firearms and explosives and materials for the manufacture of the same.

46.4221. License - Required when.

(a) It is unlawful of any person, whether permanently or temporarily resident within American Samoa or whether on shore or on board any vessel, anchored, moored, or docked in any harbor in American Samoa, to have in his possession any arms without first having obtained a license from the commissioner of public safety.

(b) A license to possess arms shall not be issued by the commissioner of public safety unless the application therefor has been approved by the attorney general.

(c) A license shall be issued only for this ownership and possession of 12, 16, 20 and 410 gauge shotguns and shotgun shells and 22 caliber rifles.

46.4222. License - Required for import.

(a) It is unlawful of any person to import arms into American Samoa without having obtained a license therefor from the commissioner of public safety.

(b) A license to import arms shall not be issued by the commissioner of public safety unless